

## Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Virginia State University (VSU)
Facility Name:	Virginia State University (VSU)
Facility Location:	Route 36 North Chesterfield County Petersburg, VA
Registration Number:	50298
Permit Number:	PRO-50298

November 1, 2001

Effective Date

November 1, 2006

Expiration Date

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Dennis H. Treacy  
Director, Department of Environmental Quality

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Signature Date

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## **I. Facility Information**

### **Permittee**

Virginia State University  
P.O. Box 9414  
Suite 60  
Petersburg, Virginia 23806

### **Facility**

Virginia State University  
Route 36 North  
Chesterfield County  
Petersburg, Virginia

### **Responsible Official**

Edward J. Mazar  
Vice President

### **Contact Person**

Jim Hamilton  
Power Plant Superintendent  
804-524-5383

**County-Plant Identification Number:** 041-0062

**Facility Description:** SIC Code 8221 – The facility is a fossil fuel-fired steam generating plant which is operated by Virginia State University (VSU) in order to provide heat and hot water for the campus.

## II. Significant Emission Units

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity	Applicable Permit Date
EU-01	S1	#6 oil fired boiler	Babcock and Wilcox Constructed 1951	34.3 MMBtu/hr (heat input)	Existing Source
EU-02	S1	Coal fired boiler	Keeler Constructed 1987	20.2 MMBtu/hr (heat input)	NSR 8/20/97
EU-03	S2	#6 oil fired boiler	Todd Constructed 1967	60 MMBtu/hr (heat input)	Existing Source
EU-04	S1	Natural gas/#2 oil fired boiler	Erie City Constructed 1967	66.6 MMBtu/hr (heat input)	NSR 9/22/97
EU-11	N/A	natural gas fired boiler	Unknown Constructed 1951	16.6 MMBtu/hr (heat input)	Existing Source

## III. The 20.2 MMBtu/hr Keeler Boiler Requirements (Emission Unit ID # EU-02)

### A. Limitations

1. Particulate emissions from the Keeler boiler (Emission Unit ID # EU-02) shall be controlled by the use of a multicyclone. The multicyclone shall be provided with adequate access for inspection.  
(9 VAC 5-80-110 and Condition # 3 of 8/20/97 NSR Permit)
2. The approved fuel for the Keeler boiler (Emission Unit ID # EU-02) is coal. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition # 4 of 8/20/97 NSR Permit)
3. The sulfur and ash content of the coal to be burned in the Keeler boiler (Emission Unit ID # EU-02) shall not exceed 1.0 percent and 7.0 percent by weight, respectively, per shipment.  
(9 VAC 5-80-110 and Condition # 6 of 8/20/97 NSR permit.)
4. The Keeler boiler (Emission Unit ID # EU-02) shall consume no more than 5,250 tons per year, calculated as the sum of each consecutive twelve (12) month period.  
(9 VAC 5-80-110 and Condition # 5 of 8/20/97 NSR Permit)

5. Emissions from the operation of the Keeler boiler (Emission Unit ID # EU-02) shall not exceed the limits specified below:

PM-10	0.27 lbs/10 <sup>6</sup> Btu	5.5 lbs/hr	19.0 tons/yr*
Sulfur Dioxide	1.38 lbs/10 <sup>6</sup> Btu	28.0 lbs/hr	97.7 tons/yr*
Nitrogen Oxides	0.42 lbs/10 <sup>6</sup> Btu	8.5 lbs/hr	29.9 tons/yr*
Carbon Monoxide	0.49 lbs/10 <sup>6</sup> Btu	9.9 lbs/hr	34.7 tons/yr*
Volatile Organic Compounds	0.60 lbs/10 <sup>6</sup> Btu	1.20 lbs/hr	4.1 tons/yr*

\*Annual facility wide emissions shall be determined monthly as the sum of each consecutive 12 month period.

(9 VAC 5-80-110, and Condition # 8 of 8/20/97 NSR Permit)

6. Visible Emissions from the Keeler boiler (Emission Unit ID # EU-02) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.  
(9 VAC 5-50-80, 9 VAC 5-80-110 and Condition #9 of 8/20/97 NSR Permit)

## **B. Periodic Monitoring and Recordkeeping**

1. The permittee shall obtain a certification form from the coal supplier with each shipment of coal. Each coal supplier certification shall include the following:
  - a. The name of the supplier
  - b. The date on which the coal was received
  - c. The amount of coal delivered in the shipment
  - d. The sulfur content of the coal
  - e. The ash content of the coal

(9 VAC 5-80-110)

2. Continuous opacity monitors will be installed to measure and record the concentration of opacity from the Keeler boiler (Emission Unit ID # EU-02). All

continuous monitoring systems shall be installed and operated in accordance with 40 CFR Part 60.13.

(9 VAC 5-80-110 and Condition # 7 of 8/20/97 NSR Permit)

3. The source shall verify opacity limits from the COM output recorded on the continuous monitor measured as a six-minute average.  
(9 VAC 5-80-110 and Condition # 9 of 8/20/97 NSR Permit)
4. The source shall use differential pressure across the multicyclone, using differential pressure gauges, to check for low collection efficiencies. The source must first establish a baseline differential pressure that represents proper operating conditions. The baseline differential pressure should be determined after the multicyclone has been cleaned and thus free of particulate matter. Monitoring of differential pressure shall be checked daily to verify that is within 80% of the baseline.  
(9 VAC 5-80-10 F and Condition # 3 of 8/20/97 NSR Permit)
5. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Region. These records shall include, but are not limited to:
  - a. Annual throughput of coal for the Keeler boiler (Emission Unit ID # EU-02). The annual throughput shall be calculated as the sum of each consecutive twelve (12) month period.
  - b. All coal supplier certifications.
  - c. Emission factors used to calculate hourly and annual emissions.
  - d. Formulas used to calculate hourly and annual emissions.
  - e. All records generated by the continuous opacity monitor.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition #10 of 8/20/97 NSR Permit)

### **C. Testing**

1. Within the time limits specified in Condition No. 2 of this section, stack emission tests for PM<sub>10</sub>, Sulfur Dioxide, Nitrogen Oxides, Carbon Monoxide, and Volatile Organic Compounds from the Keeler boiler (Emission Unit ID # EU-02) shall be conducted. The Stack tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 of State Regulations and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details

of the emission tests are to be arranged with the Director, Piedmont Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing.

(9 VAC 5-80-10 H)

2. Stack testing, as required in Condition 1 of this permit section, shall be performed once every 5 years (once per permit term) on the Keeler boiler (Emission Unit ID # EU-02) to determine compliance with the emission limits. The first stack testing is required to be performed within 180 days after permit issuance. Stack test results shall be reported to the Director, Piedmont Regional Office in writing within 45 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-50-30 and 9 VAC 5-60-30)

3. When conducting the stack tests as required in Conditions 1 and 2 of this permit section, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO <sub>x</sub>	EPA Method 7
SO <sub>2</sub>	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

#### **IV. The 66.6 MMBtu/hr Erie City Boiler Requirements (Emission Unit ID# EU-04)**

##### **A. Limitations**

1. The Erie City boiler (Emission Unit ID # EU-04) shall consume no more than 583 x 10<sup>6</sup> cubic feet of natural gas per year and 1,042,437 gallons of distillate oil per year, calculated monthly as the sum of each consecutive twelve (12) month period.

(9 VAC 5-80-110 and Condition # 3 of 9/22/97 NSR Permit)

2. The Erie City boiler (Emission Unit ID # EU-04) shall not operate more than 2160 hours per year using distillate oil and 8760 hours per year using natural gas, calculated monthly as the sum of each consecutive 12 month period.

(9 VAC 5-80-110 and Condition # 4 of 9/22/97 NSR Permit)

3. Visible emissions from the Erie City boiler (Emission Unit ID # EU-04) stack shall not exceed 10 % opacity except during one six-minute period in any one hour in



which visible emissions shall not exceed 20 % opacity. This condition applies at all times except during start-up, shutdown, or malfunction.

(9 VAC 5-50-80, 9 VAC 5-80-110, and Condition # 5 of 9/22/97 NSR Permit)

4. The approved fuels for the Erie City (Emission Unit ID # EU-04) boiler are distillate oil and natural gas. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396-78 "Standard Specification for Fuel Oils." A change in the fuels may require a permit to modify and operate.

(9 VAC 5-80-110, and Condition # 8 of 9/22/97 NSR Permit)

5. The maximum sulfur content of the oil to be burned by the Erie City boiler (Emission Unit ID # EU-04) shall not exceed 0.5 percent by weight per shipment. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:

- a. The name of the fuel supplier,
- b. The date on which the oil was received,
- c. The volume of distillate oil delivered in the shipment,
- d. A statement that the oil complies with the American Society for Testing and Materials specifications for fuel oil number 1 or 2, and
- e. The sulfur content of the oil.

(9 VAC 5-80-110 and Condition # 9 of 9/22/97 NSR Permit)

6. Emissions from the operation of the Erie City boiler (Emission Unit ID # EU-04) shall not exceed the limits specified below:

Total Suspended Particulate	0.97 lbs/hr	4.05 tons/yr*
PM-10	0.97 lbs/hr	4.05 tons/yr*
Sulfur Dioxide	34.27 lbs/hr	37.14 tons/yr*
Nitrogen Oxides (as NO <sub>2</sub> )	9.65 lbs/hr	37.14 tons/yr*
Carbon Monoxide	2.41 lbs/hr	10.30 tons/yr*
Volatile Organic Compounds	0.19 lbs/hr	0.82 tons/yr*

\*Annual facility wide emissions shall be determined monthly as the sum of each consecutive 12 month period.

(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition # 4 of 9/22/97 NSR Permit)

## **B. Periodic Monitoring and Recordkeeping**

1. The source shall perform visual inspections weekly to determine opacity of the Erie City boiler (Emission Unit ID # EU-04), as determined by EPA Method 9 and report all deviations.

(9 VAC 5-50-80, 9 VAC 5-80-110)

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Region. These records shall include, but are not limited to:
  - a. Annual throughput of natural gas and distillate oil, calculated on a 12 month rolling average.
  - b. Annual hours of operation of the Erie City boiler (Emission Unit ID # EU-04) using distillate and natural gas, calculated monthly as the sum of each consecutive (12) month period.
  - c. All fuel supplier certifications for distillate oil.
  - d. Emissions factors used to calculate hourly and yearly emissions.
  - e. Formulas used to calculate hourly and yearly emissions.
  - f. Observations records of all weekly opacity checks and any corresponding actions taken.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition # 12 of 9/22/97 NSR Permit)

## **C. Testing**

1. Within the time limits specified in Condition No. 2 of this permit section, stack emission tests for PM10, Sulfur Dioxide, Nitrogen Oxides, Carbon Monoxide, and Volatile Organic Compounds from the Erie City boiler (Emission Unit ID # EU-04) shall be conducted. Stack tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 of State Regulations and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410 of State Regulations. The details of the emission tests are to be arranged with the Director,

Piedmont Regional Office. The permittee shall submit a test protocol as least 30 days prior to testing.

(9 VAC 5-80-10 H)

2. Stack testing, as required in Condition 1 of this permit section, shall be performed once every five years (once per permit term) on the Erie City boiler (Emission Unit ID #EU-04) to determine compliance with the emission limits. The first stack testing is required to be performed within 180 days after permit issuance. Stack test results shall be reported to the Director, Piedmont Regional Office in writing within 45 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-50-30 and 9 VAC 5-60-30)

3. When conducting the stack tests as required in Conditions 1 and 2 of this permit section, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO <sub>x</sub>	EPA Method 7
SO <sub>2</sub>	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

## **V. Existing Source Boiler Requirements**

### **(Emission Unit ID # EU-01, EU-03, and EU-11)**

#### **A. Limitations**

1. The approved fuel for the 34.3 MMBtu/hr boiler (Emission Unit ID # EU-01) is No.6 fuel oil. A change in the fuel may require a permit to modify and operate.
2. The approved fuel for the 60 MMBtu/hr boiler (Emission Unit ID # EU-03) is No. 6 fuel oil. A change in the fuel may require a permit to modify and operate.

(9 VAC 5-80-110)

3. The approved fuel for the 16.6 MMBtu/hr boiler (Emission Unit ID # EU-11) is natural gas. A change in the fuel may require a permit to modify and operate.

(9 VAC 5-80-110)

4. Emissions from the operation of the 34.3 MMBtu/hr boiler (Emission Unit ID # EU-01) shall not exceed the limits specified below:

PM10	11.0 lbs/hr
SO2	90.9 lbs/hr

(9 VAC 5-40-900 1.b. and 9 VAC 5-40-930 A.1.)

5. Emissions from the operation of the 60 MMBtu/hr boiler (Emission Unit ID # EU-03) shall not exceed the limits specified below:

PM10	19.2 lbs/hr
SO2	158.4 lbs/hr

(9 VAC 5-40-900 1.b. and 9 VAC 5-40-930 A.1.)

6. Emissions from the operation of the 16.6 MMBtu/hr boiler (Emission Unit ID # EU-11) shall not exceed the limits specified below:

PM10	5.4 lbs/hr
SO2	43.9 lbs/hr

(9 VAC 5-40-900 1.b. and 9 VAC 5-40-930 A.1.)

7. Visible emissions from each boiler (Emission Unit ID # EU-01, EU-03, EU-11) shall not exceed 20 % opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 % opacity.  
(9 VAC 5-40-940 and 9 VAC 5-80-110)

## **B. Periodic Monitoring and Recordkeeping**

1. The permittee shall obtain a certification form from the fuel supplier with each shipment of fuel oil. Each fuel supplier certification shall include the following:
  - a. The name of the supplier;
  - b. The date on which the residual oil was received
  - c. The volume of residual oil delivered in the shipment
  - d. A statement that the oil complies with the American Society for Testing and Materials specifications for fuel oil number 6.
  - e. The sulfur content of the residual oil.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9 VAC 5-40-50, 9 VAC 5-80-110)

2. The source shall perform visual inspections weekly to determine opacity of each boiler (Emission Unit ID # EU-01, EU-03, EU-11), as determined by EPA Method 9 and report all deviations.  
(9 VAC 5-80-110)
3. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Region. These records shall include, but are not limited to:
  - a. All fuel supplier certifications;
  - b. Emission factors used to calculate hourly emissions
  - c. Formulas used to calculate hourly emissions
  - d. Observations records of all weekly opacity checks and any corresponding actions taken.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9 VAC 5-40-50, 9 VAC 5-80-110)

## **VI. Facility Wide Conditions**

### **A. Recordkeeping**

1. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:
  - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
  - b. Maintain an inventory of spare parts.
  - c. Have available written operating procedures for equipment. These procedures shall be based on manufacturer's recommendations, at a minimum.
  - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain

records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.  
(9 VAC 5-50-20, 9 VAC 5-40-20, Condition #14 & 15 of 8/20/97 NSR Permit, and Condition #10 of 9/22/97 NSR Permit)

## B. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(VAC 5-40-30, 9 VAC 5-50-30, 9 VAC 5-80-110 and Condition # 7 of 9/22/97 NSR Permit)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO <sub>x</sub>	EPA Method 7
SO <sub>2</sub>	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

## VII. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
EU-05	Coal Handling System	5-80-720 B.1.	Particulate	N/A
EU-07	Diesel-fired Emergency generator	5-80-720 C.4.	N/A	250 kW
EU-08	Diesel-fired emergency generator	5-80-720 C.4.	N/A	125 kW

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
EU-09	Diesel-fired emergency generator	5-80-720 C.4.	N/A	80 kW
EU-10	Diesel-fired emergency generator	5-80-720 C.4.	N/A	100 kW
EU-12	Natural gas fired Boiler	5-80-720 C.2.	N/A	1.9 MMBtu/hr
EU-13	20,000 gal No. 6 Oil UST tank	5-80-720 B.1	VOC	N/A
EU-14	20,000 gal No. 6 Oil UST tank	5-80-720 B.1.	VOC	N/A
EU-15	20,000 gal No. 6 Oil UST tank	5-80-720 B.1	VOC	N/A
EU-16	10,000 gallon diesel UST	5-80-720 B.1.	VOC	N/A
EU-17	10,000 gallon gasoline UST	5-80-720 B.1.	VOC	N/A
EU-18	850-gallon diesel tank	5-80-720 B.1.	VOC	N/A
EU-19	10,000 gallon No. 2 oil AST	5-80-720 B.1.	VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## VIII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR, Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	Applies to steam generating units for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 29 megawatts (MW) (100 million Btu per hour (Btu/hr) or less, but greater than or equal to 2.9 MW (10 million Btu/hr)

Nothing in this permit shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **IX. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.



4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year.

This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, a “deviation” means any condition determined by observation, data from any monitoring protocol or any other monitoring which is required by the permit that can be used to determine compliance. Deviations include exceedances documented by continuous emission monitoring or excursions from control performance indicators documented through periodic or compliance assurance monitoring.

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.  
(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall report by the next business day any deviations from permit requirements or any excess emissions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.  
(9 VAC 5-80-110 F.2)

#### **F. Failure/Malfunction Reporting**

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Piedmont Region, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the board.  
(9 VAC 5-20-180 C)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

**J. Permit Action for Cause**

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
  - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
  - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
  - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
  - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
  - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
  - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
  - g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.  
(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

#### **K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

#### **L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

#### **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355.  
(9 VAC 5-80-110 H)

#### **N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-50)

**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

#### **R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

#### **S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

## **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

## **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit



requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

#### **Y. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

**Z. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

**AA. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

